



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE  
Governor

BOB MARTIN  
Commissioner

KIM GUADAGNO  
Lt. Governor

Site Remediation Program  
Bureau of Enforcement and Investigations  
401 E. State St., 5<sup>th</sup> Floor West  
PO Box 028  
Trenton, New Jersey 08625-0028

29 September 2010

CERTIFIED MAIL

No.: 7007 0220 002 1052 7773

The Honorable Matthew P. McHale  
Mayor of Dumont Borough  
50 Washington Avenue  
Dumont, NJ 07628

Re: Dumont Boro DPW Garage  
1 Aladdin Avenue and Twinboro Lane  
Block 1105 Lot(s) 14, 17, 18 and 22  
Dumont Borough, Bergen County  
PI#: 024363

Dear Mayor McHale,

The New Jersey Department of Environmental Protection (Department) is charged with responding to the release or threatened release of hazardous substances and with enforcing the requirements of the Spill Compensation and Control Act (N.J.S.A. 58:10-23 et seq.), the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.), the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq.) and the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.). The Department has documented the release of hazardous substances at the Dumont Boro DPW Garage and nearby properties, 1 Aladdin Avenue and Twinboro Lane, Block 1105 Lot(s) 14, 17, 18 and 22, Dumont Borough, Bergen County.

It has been reported that all or portions of the subject properties were part of a military facility prior to 1923. Most, if not all of the site was subsequently owned by the Borough of Dumont and has been used for municipal service operations.

Available information suggests that the property corresponding to Block 1105 Lot 14 and the northern portion of Block 1105 Lot 16 were formerly occupied by the Dumont Borough DPW facility until the early 1970s. Aerial photographs indicate that the former DPW garage was located on the northern portion of what is now Block 1105 Lot 16; the area corresponding to lot 14 appears to have been used for ancillary operations including parking and refueling. This portion of the site is located off of Aladdin Ave. and is referred to as Aladdin Park or the Aladdin parcel. (NOTE: It appears that previous investigations of the former DPW facility did not evaluate potential impacts to the area corresponding to the northern portion of Lot 16 which is now occupied by the Bergen County Housing Authority complex.) The original DPW facility on Block 1105 lot 14 and the facilities on the northern portion of 16 were demolished in the early 1970s. This parcel remained as vacant land; portions of this property may be part of a public park.

Portions of the properties corresponding to Block 1105, Lots 17 and/or 18 were formerly part of a sewage treatment plant that served Dumont and Bergenfield until the early 1960s; historical aerial photography indicates that the sewage treatment facility may have also included portions of Block 1105 Lot 15, the southern portion of lot 16 and several contiguous properties located in the Borough of Bergenfield. It was reported that the sewage treatment facility was demolished the 1960s or 1970s and several feet of fill was deposited in the area. The current Dumont DPW facility was constructed on Block 1105 Lot 17 during the early 1970s; this property is referred to as DPW parcel.

Previous investigations have identified numerous areas of environmental concern related to historical and current site operations on these properties.

During the 1980s and 1990s, the NJDEP received several reports concerning suspected discharges of hazardous substances at the Borough owned properties located off of Aladdin Ave. and Twinboro Lane.

In September 1986, the NJDEP was notified of a discharge of gasoline resulting from an overflow of an underground tank (presumably on Block 1105 Lot 17 or 18) during a fuel delivery by the United Oil Company. This notification was assigned NJDEP case number 86-09-22-01M. It was reported that contaminated soil was excavated from this area; however no additional information was provided to the Department regarding the remediation of this discharge.

In October 1986, the Borough of Dumont (Dumont) notified the Department that two underground storage tanks at the DPW yard (Block 1105 Lot 17 and/or 18) were suspected to be leaking; this notification was assigned NJDEP case/incident #86-10-09-05M. One of the tanks was 3,000-gallon capacity and contained diesel fuel; the other tank was 4,000 gallon capacity and contained gasoline.

Tank tightness tests were performed on both tanks during April 1987. It was reported that the 3,000-gallon capacity diesel fuel tank passed the tank test; however the gasoline tank failed the tightness test. The gasoline tank was subsequently removed on or about 27 April 1987. NJDEP personnel were on-site to observe the tank removal activities and conducted an inspection of the site at that time. Observations made during the inspection revealed the presence of gasoline-like odors and/or a sheen in storm drains located near the underground tanks. In addition, it was reported that

a hole was discovered in the bottom of the gasoline tank and the underlying soil was noticeably contaminated. Soil was removed from the excavation until a clay layer was encountered and backfilled with clean soil. However, it appears no additional investigation/remediation was conducted in this area and a discharge investigation and corrective action report was not submitted for this event.

On or about September 30, 1990, a garbage truck containing hazardous substances caught fire and entered the DPW yard where the fire was extinguished with water and other fire suppressants. The NJDEP was notified of this incident and assigned it as NJDEP case/incident # 89-9-30-0853. It was reported that the truck was carrying trash from the Dumont High School and included out-of-date chemicals that had been inadvertently placed in the regular garbage. The fire erupted when the trash was compacted in the truck. The truck was diverted to the DPW yard and the garbage was dumped on the unpaved ground where the fire was extinguished. All garbage and fire fighting waste water were collected in 55 gallon drums and were disposed of off-site. No sampling was conducted in the area at that time.

In May 1990, the Bergen County Office of Emergency Management notified the Department of a discharge of gasoline from an underground storage tank at the site; this notification was assigned NJDEP case/incident #90-05-17-1528. Later that same day (May 17, 1990), the Borough of Dumont Police notified the Department that the underground storage tank had been removed; this notification was assigned NJDEP case/incident #90-05-17-1620. Free phase petroleum was observed in soils and water that accumulated in the tank excavation. It was also reported that gasoline contaminated water was observed leaching through a retaining wall separating the DPW facility from an adjacent property; the gasoline contaminated water then migrated across the ground surface and into a nearby stream. Information provided to the Department indicated that this tank was a 1000-gallon capacity gasoline tank (possibly on Block 1105 Lot 14) that had been taken out of service in or about the early 1980s. Approximately 750 gallons of gasoline was left in the tank when it was taken out of service. At the time of its removal in May 1990, there was 900 gallons of gasoline and water in the tank; however it was estimated only 90 gallons was gasoline. Based on this information, it was estimated that over 600 gallons of gasoline had leaked from this tank from the time it was taken out of service (early 1980s) until it was removed in May 1990.

The Borough of Dumont subsequently retained EEC Environmental Inc. (EEC) to conduct an investigation of the former tank area. EEC installed five monitoring wells and performed a limited subsurface investigation to evaluate discharges from the former 1,000 gallon gasoline tank.

The initial investigation conducted in January 1991 revealed the presence of elevated levels of gasoline related compounds in several wells; the highest concentrations (benzene at 92,900 µg/l; toluene at 35,900 µg/l; ethylbenzene at 25,950 µg/l; and xylenes at 240,500 µg/l) were detected in MW-5 located northeast of the current DPW facility. However no contaminants were detected in a monitoring well located directly adjacent to and hydraulically down-gradient of the former 1,000 gallon gasoline tank. Based on these results EEC concluded that the contamination found in other monitoring wells may have been a result of discharges from the 4,000 gallon tank removed during 1986. This tank was the subject of incident # 86-10-09-05M as discussed above. EEC subsequently initiated an investigation of the site and identified "...five separate areas of concern at the DDPW

property." These areas of concern included a former underground gasoline tank and releases of waste oil and residuals from home heating oil tanks in an area northeast of the DPW facility; a second underground gasoline tank and a storm sewer line located north of the DPW facility; another area located east of the DPW facility where were reported historic releases of waste oil and residuals from heating oil tanks; an active waste oil tank and possible surface discharges of gasoline south of the DPW facility; and the area of a former waste water treatment plant on an adjacent property.

EEC excavated numerous test pits in the five areas of concern and installed four additional monitoring wells to further evaluate the suspected source areas at the site. Visible evidence of contamination and/or the presence of gasoline/petroleum odors were observed in test pits at each of the areas of concern. It was also reported that several test pits revealed the presence of fill material; some of the fill encountered on-site and on an adjacent property was described as "...[b]lack fine-grained material that appears to have been generated by the filtration processes of the former sewage treatment plant ...". Construction/demolition debris, auto parts and other miscellaneous materials were encountered in one or more test pits.

Ground water samples were collected from the nine on-site monitoring wells in May 1991. Volatile organic compounds, semi-volatile compounds and/or petroleum hydrocarbons were detected in seven of the monitoring wells; several wells exhibited concentrations of benzene (up to 15,000 µg/l), ethylbenzene (up to 4,800 µg/l), toluene (up to 36,000 µg/l), xylenes (up to 20,000 µg/l), naphthalene (up to 705 µg/l) and petroleum hydrocarbons (up to 24 mg/l) that exceeded ground water quality standards.

At least one source suggests that two additional underground tanks were removed from the site in September 1991. It appears that soil contamination was discovered during the removal activities. The Borough of Dumont Department of Public Works environmental consultant, EEC Environmental Inc., notified the Department of these observations; this notification was assigned NJDEP case/incident #91-9-12-1533-49.

Additional soil and ground water investigations were conducted at the site during September 1991 and November 1991.

Soil samples were collected from test pits and soil borings installed at the five areas of concern previously identified by EEC. It was reported that soil staining and/or petroleum/gasoline-like odors were observed in numerous test pits and borings; sheens and other evidence of petroleum contamination was observed on groundwater in several test pits. Soil samples throughout the site revealed concentrations of polycyclic aromatic hydrocarbons which exceeded NJDEP soil clean-up standards.

Six additional monitoring wells were installed during September and October 1991. Samples were collected from fourteen of the site monitoring wells in October and November 1991; no sample was collected from MW-5 due to the presence of free phase petroleum product. Several samples revealed elevated levels of benzene (to 3,200 µg/l), toluene (to 6,900 µg/l), ethylbenzene (to 2,000 µg/l), xylenes (to 10,200 µg/l), 1,2-dichloroethane (54 µg/l) and/or MTBE (to 570 µg/l).

In or about November 1991, a free product recovery program was initiated to remove petroleum product from MW-5.

By letter dated 30 October 1992 the Department notified the Borough of Dumont that additional investigation was required to further evaluate contamination related to former and current underground storage tanks as well numerous other areas of environmental concern not related to the underground tanks. Specifically, the Borough of Dumont was required to conduct further sampling to delineate the extent of contamination related to the underground tank areas; determine the source(s) and delineate the extent of base-neutral contamination found in soil throughout the site; determine potential environmental impacts related to the extinguishment of the fire in the garbage truck (incident 89-9-30-0853); identify sources of gasoline related contamination which did not appear to be related to the known underground tanks at the site; and identify and evaluate other on-site areas of concern including floor drains and dry wells. In addition, the Department required the Borough of Dumont to prepare a separate underground tank registration for the 1,000 gallon gasoline tank that was formerly located on Block 1105 Lot 14 since the area was located across the street from the existing DPW facility and the tank was not properly closed therefore it was still considered active at the time of its removal in May 1990. (NOTE: The tank on Block 1105 Lot 14 was eventually assigned registration # 0243632 and the underground tanks at the current DPW facility (Block 1105 Lots 17-18) were registered under #0026606.)

Samples were collected from most of the existing site monitoring wells in December 1992. Samples were not collected from MW-5 or MW-9 due to the presence of free phase petroleum product. Elevated concentrations of benzene (up to 1300 µg/l); toluene (up to 1500 µg/l); ethylbenzene (up to 1200 µg/l) and/or xylenes (up to 4900 µg/l) were detected in several of the ground water samples. One sample also exhibited an elevated concentration of lead.

A soil gas survey was conducted at the site during February 1993 and revealed elevated concentrations of benzene, toluene, ethylbenzene and/or xylenes at various locations throughout the site. Toluene and xylenes were detected most frequently and at the highest concentrations. It was also reported that the greatest concentrations of contamination were found in samples obtained beneath the existing maintenance building (Block 1105 Lot 17) and extended in a northeasterly direction towards a nearby stream.

Three additional monitoring wells were installed at the site in August 1993. In addition, four piezometers and a recovery well were installed in an attempt to delineate the extent of the free phase petroleum contamination near the existing DPW facility (Block 1105 Lot 17). Based on this investigation, Harding Lawson Associates concluded that free phase petroleum was confined to the area of MW-5 and MW-9.

Three additional underground tanks on Block 1105 Lots 17 and 18 were removed during January 1994 by Boswell McClave Engineering on behalf of the Borough of Dumont. Post excavation soil samples were collected from the former tank areas; several of the post excavation samples exhibited elevated levels of base neutral extractable compounds and/or petroleum hydrocarbons. It was reported that contaminated soil was removed from the tanks areas and disposed of off-site.

By letters dated 19 August 1994 and 23 August 1994, the Department's Bureau of Underground Storage Tanks notified the Borough of Dumont that since contamination was documented at distinct locations with different addresses, the Department would address the locations as separate sites. Specifically, the Department informed Dumont that incident #86-10-09-05M would be assigned to the Department of Public Works site (Block 1105 Lots 17 and 18) as it is specific to the first reported discharge that occurred at the site from an underground storage tank system. The contamination related to incident #90-05-17-1528 would be assigned to the "Aladdin Park site" (Block 1105 Lot 14) as it is specific to the discharge that occurred from a 1,000 gallon underground gasoline storage tank located on that parcel. The Department further required the Borough Dumont to conduct an investigation of the site in order to identify any area of concern that may be contributing to the presence of base neutral extractable compounds throughout both sites, or alternatively to obtain data to support that this contamination was attributable to an off-site source. The Department also offered the Borough of Dumont the opportunity to enter into a Memorandum of Agreement that would enable the Department to assign one case manager to provide oversight of the investigation and remediation of both sites (DPW facility and Aladdin Park) and the base neutral extractable contamination.

Samples were collected from most of the site monitoring wells in October 1994; samples were again not collected from well MW-5 and MW-9 due to the presence of free phase petroleum product. Several wells (MW-1, MW-4, MW-11) also were not sampled since previous sampling events historically revealed non-detect levels of contamination. Benzene, toluene, ethylbenzene and/or xylenes were again detected above ground water quality standards in one or more of the sampled wells. Surface water samples were collected from the nearby stream and were analyzed for volatile organic compounds. Tetrachloroethylene was detected in one of the surface water samples at 3 µg/l. Available data indicates that ground water from the site flows towards this stream.

In January 1995, Harding Lawson Associates (Harding) submitted Supplemental Remedial Investigation Results and Proposed Remedial Action reports for both the DPW facility and Aladdin Park property. Harding Lawson proposed capping areas of contaminated soil and executing a deed notice for these areas. For ground water, Harding Lawson proposed to recover free phase petroleum from the vicinity of MW-5 and MW-9, and address dissolved phase contamination through natural attenuation.

By letter dated 20 June 1995 the Department notified the Borough of Dumont that the Supplemental Remedial Investigation Results and Proposed Remedial Action was conditionally approved as a remedial investigation workplan; however the Borough was advised that the report could not be approved as a remedial action workplan. The 20 June 1995 letter also identified certain deficiencies concerning the investigation and remediation of the regulated underground tanks at the site and outlined specific requirements necessary to correct the cited deficiencies including further delineation of both soil and ground water contamination. In addition, the Department reported that the proposal for natural remediation could not be approved until the full extent of the ground water plume(s) was (were) delineated and all free product has been removed. The Borough was further advised that the issues pertaining to the regulated underground tanks would be handled under the NJDEP Bureau of Underground Storage Tanks whereas non-regulated tank issues would be addressed by another NJDEP office, unless the Borough executed a Memorandum of Agreement

and requested that both underground storage tank issues and non-underground tank issues be handled under one NJDEP program.

The Borough of Dumont entered into a Memorandum of Agreement with the Department in January 1997 to conduct a preliminary assessment/site investigation, remedial investigation and remedial action for Block 1105 Lots 17 and 22. (NOTE: It appears the site may also include Block 1105 Lots 14, 15, 16 and 18; however these areas were not identified in the MOA package.)

The Borough of Dumont retained Leggette, Brashears & Graham, Inc. to conduct the investigation of the property pursuant to the Memorandum of Agreement.

In October 1998, Leggette, Brashears & Graham, Inc. submitted a Remedial Investigation Workplan and Historic Fill Determination relative to the DPW and Aladdin Avenue parcels. Leggette, Brashears & Graham, Inc. identified three areas of concern which included soils throughout the site contaminated with base neutral extractable compounds; contamination related to discharges from an underground tank formerly located on the Aladdin parcel; and contamination related to discharges from several underground tanks formerly located on the DPW parcel. Leggette, Brashears & Graham suggested that the site wide base neutral contamination was due to historical fill and the extent of this contamination had been delineated. As such, Leggette, Brashears & Graham, Inc. proposed implementing a declaration of environmental restriction and requested a conditional no further action for this area. Leggette, Brashears & Graham proposed to conduct additional ground water sampling in the Aladdin parcel and recommended natural remediation with a CEA for this area. With regard to the contamination on the DPW property, Leggette, Brashears & Graham proposed to conduct further sampling and monitor ground water for the presence of free product; remediation would be proposed if free product was observed, and natural remediation would be the selected remedy if no free product was encountered and a decreasing trend was observed in the levels of dissolved phase contamination.

By letter dated 6 August 1999 the Department's Bureau of Field Operations – Northern Field Office notified the Borough of Dumont that the Remedial Investigation Workplan and Historic Fill Determination did not address deficiencies identified in several previous NJDEP letters dated 12 June 1995 and 20 June 1995. The Borough was advised that the workplan should be revised to address the cited deficiencies. The Borough of Dumont failed to respond to the 6 August 1999 deficiency letter and the Department terminated the Memorandum of Agreement under letter dated 23 August 2000.

The NJDEP conducted inspections of Dumont Department of Public Works (DPW) facility on 20 July 2010 and 16 September 2010. It was determined that potential areas of concern remain to be addressed at the site. A review of available NJDEP case files indicate that the investigation and remediation of the site has not been completed to the satisfaction of the Department. In addition, many of the previous investigation reports provide conflicting, or contradictory information. As such, the Borough of Dumont must conduct an investigation of the site and evaluate all identified areas of environmental concern in accordance with the Site Remediation Reform Act and the Technical Requirements for Site Remediation.

### Liability

The Bureau of Enforcement and Investigations/Responsible Party Investigations Unit (RPIU) has initiated an investigation to identify the responsible parties that are liable for remediation of the above referenced contamination. The Borough of Dumont, owner of the property at the time hazardous substances were discharged was also the owner and operator of regulated underground storage tanks from which hazardous substances were discharged. Therefore, the Borough of Dumont is a responsible party pursuant to the Spill Compensation and Control Act (N.J.S.A. 58:10-23 et seq.) and the Underground Storage of Hazardous Substances Act. Furthermore, the Borough of Dumont has an affirmative obligation to investigate and remediate contamination related to site operations pursuant to the Site Remediation Reform Act.

### Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq)

On 7 May 2009, the Site Remediation Reform Act (SRRA) was enacted. The SRRA compels responsible parties to address discharges of hazardous substances by establishing an affirmative obligation to conduct remediation. The SRRA establishes criteria for the licensing of site remediation professionals who will assure that contaminated sites are remediated in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and related Department guidance. The SRRA authorizes the Department to establish mandatory timeframes for the completion of each phase of remediation. These timeframes, as well as other requirements of the act, have been codified in regulations that became effective on 4 November 2009. The regulations can be found at <http://www.nj.gov/dep/srp/regs/>.

Pursuant to section 30 of SRRA (N.J.S.A. 58:10B-1.3.30.a.), the owner or operator of an industrial establishment that is subject to the Industrial Site Recovery Act; the discharger of a hazardous substance, or those in any way responsible for a hazardous substance pursuant to provisions of the Spill Compensation and Control Act; and the owner or operator of an underground storage tank that is subject to the provisions of the Underground Storage of Hazardous Substances Act, that has discharged a hazardous substance, shall remediate the discharge(s) of hazardous substances. Remediation must be completed within timeframes established by the Department, and responsible parties who initiate remediation after 4 November 2009 must use the services of a Licensed Site Remediation Professional. Specific requirements can be found at N.J.A.C. 7:26C-2.4.

Failure to comply with the obligations of SRRA may result in the Department taking direct oversight of the remediation of the contaminated site. Once a site or a portion of a site is under direct Department oversight, the responsible party forfeits all rights in the decision making process regarding the remedial investigation and remedial action to be performed at the site, including remedy selection.

As the first step in the remedial process, you must complete the Confirmed Discharge Notification Form, (available at <http://www.nj.gov/dep/srp/srra/forms/>); the completed Confirmed Discharge Notification Form must be submitted to the Department within five (5) days of your receipt of this letter. The next step in the process is to hire a Licensed Site Remediation Professional. A list of Licensed Site Remediation Professionals (LSRP) is available



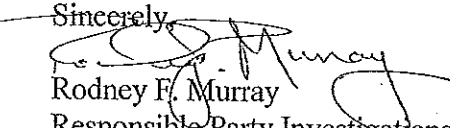
at [http://www.state.nj.us/dep/srp/srra/lrsp/temporary\\_lsrp\\_list.htm](http://www.state.nj.us/dep/srp/srra/lrsp/temporary_lsrp_list.htm). A LSRP Notification of Retention or Dismissal Form (available at <http://www.nj.gov/dep/srp/srra/forms/>) must be completed and submitted to the Department within 45 days of your receipt of this letter. Please send all submittals to:

NJDEP, Bureau of Case Assignment & Initial Notice  
401 East State Street, PO Box 434  
Trenton, NJ 08625-0434  
Attention: Bureau Chief

Should you fail to submit the required documentation or decide not to comply with all remedial requirements, the case will be evaluated for enforcement action pursuant to the above referenced statutory authorities. Failure to complete the required remediation may result in the Department conducting the remediation using public funds. If public funds are expended to conduct remediation, the Borough of Dumont may be held liable for up to three times the costs incurred by the Department.

Please contact me at 609.292.2466 if you have questions regarding this correspondence.

Sincerely,

  
Rodney F. Murray  
Responsible Party Investigations Unit

c: Clerk, Borough of Dumont  
John P. Perkins, Borough of Dumont Administrator  
Kirstin Pointin-Hahn, Chief, BCAIN